

REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

At the outset, applicant's counsel wishes to express his appreciation for the thorough examination of this application by Examiner Wieker.

The Examiner rejected claims 5, 8-10 and 13 under 35 USC 102(e) as being anticipated by **PG-Pub Number 2003/0014002 (Quintana)**. It is believed that this ground of rejection is in error because **Quintana** cannot rely upon an effective filing date prior to that of the present application and therefore is not prior art against the present claimed subject matter of the erroneously rejected claims. The effective filing date of the present *Divisional* application is the filing date of the parent application, Serial No. 09/920,564, namely August 2, 2001. **Quintana**, on the other hand, cannot rely upon the filing date of its abandoned parent under § 102(e) because **Quintana** is a *Continuation-In-Part* and the Examiner has made no showing that the subject matter of the **PG-Pub (Quintana)** may be supported by the abandoned parent. Accordingly, the rejection of claims 5, 8-10 and 13 under 35 USC 102(e) as being anticipated by **PG-Pub Number 2003/0014002 (Quintana)** is untenable and should be withdrawn forthwith.

The rejection of claim 6 under 35 USC 103(a) as unpatentable over **Quintana** in view of **Faherty (6,517,507)** is believed to be unsustainable for the same reasons given above, and this ground of rejection also should be withdrawn forthwith.

It is noted with due appreciation that the drawings have not been objected to by the Official Draftsperson under 37 CFR 1.84 or 1.152.

All grounds of objection and rejection having been overcome by this Amendment, the application now is believed to be in condition for immediate allowance containing allowed claims 5-6, 8-10, and 13, and such favorable action earnestly is solicited.

* * *

The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

Respectfully submitted,

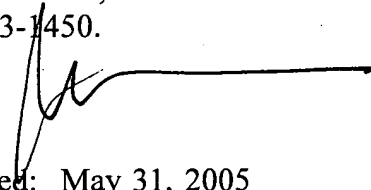


S. Michael Bender
Registration No. 24,038
Attorney of Record For Applicant
Tel: (727) 866-0900

CERTIFICATE OF MAILING

I hereby certify that this **Amendment Under 37 CFR § 1.111** is being deposited on May 31, 2005 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature:



Date Signed: May 31, 2005